



RESPONSE UNDER 37 C.F.R. § 1.118
EXPEDITED PROCEDURE
EXAMINING GROUP 3731

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: T. Anthony DON MICHAEL

Art Unit: 3731

Application No.: 10/005,699

Conf. No. 7636

Examiner: U.T. Ho

Filed: December 7, 2001

Washington, D.C.

For: DISTAL PROTECTION DOUBLE BALLOON CATHETER

Atty.'s Docket: DON MICHAEL=27

Date: July 20, 2005

THE COMMISSIONER OF PATENTS
Customer Service Window
Randolph Building, Mail Stop AF
401 Dulany Street
Alexandria, VA 22314

Corres. and Mail
BOX AF

Sir:

Transmitted herewith is a ☐ Amendment ☐ _____
in the above-identified application.

☒ Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

☐ No additional fee is required.

☐ The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS	RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
TOTAL	* 9	MINUS	** 20	0	x 25	\$		x 50	\$
INDEP.	* 1	MINUS	*** 3	0	x 100	\$		x 200	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ 180	\$		+ 360	\$
					ADDITIONAL FEE TOTAL		OR	TOTAL	

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☒ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

☒ First - \$ 60.00

☐ Second - \$ 225.00

☐ Third - \$ 510.00

☐ Fourth - \$ 795.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

☐ First - \$ 120.00

☐ Second - \$ 450.00

☐ Third - \$ 1020.00

☐ Fourth - \$ 1590.00

Month After Time Period Set

☐ Less fees (\$ _____) already paid for ____ month(s) extension of time on _____.

☐ Please charge my Deposit Account No. 02-4035 in the amount of \$ _____.

☒ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$60.00.

☐ A check in the amount of \$ _____ is attached (check no.).

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

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By:
Jay M. Finkelstein
Registration No. 21,082



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: DON MICHAEL=27

In re Application of:)	Art Unit: 3731
)	
T. Anthony DON MICHAEL)	Examiner: Uyen T. Ho
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Appln. No.: 10/005,699)	Washington, D.C.
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Filed: December 7, 2001)	Confirmation No. 7636
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For: DISTAL PROTECTION DOUBLE)	July 20, 2005
BALLOON CATHETER)	

AMENDMENT

Customer Service Window, Mail Stop AF
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Sir:

In response to the Examiner's Action dated March 30, 2005, petition for one month's extension of time and payment of late fee being attached hereto, kindly amend the above-identified Application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

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